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DETAILED SITE PLAN VARIANCE

**DSP-02038
VD-02038A**

Application	General Data
Project Name CHUNBUKYO CHURCH OF MARYLAND Location 150 feet from the intersection of Geaton Drive on the left side of Brown Station Road — 2809 Brown Station Road Applicant/Address Chunbykyo Church of Maryland 2809 Brown Station Road Upper Marlboro, MD 20772	Date Accepted 07/12/2002
	Planning Board Action Limit 10/21/2002 (waived)
	Plan Acreage 1.82
	Zone R-E
	Dwelling Units NA
	Square Footage 4,732
	Planning Area 78
	Council District 06
	Municipality NA
	200-Scale Base Map 204SE10

Purpose of Application	Notice Dates
Church and a variance from the 150-foot lot width requirements of the Zoning Ordinance	Adjoining Property Owners 07/03/02 (CB-15-1998)
	Previous Parties of Record NA (CB-13-1997)
	Sign(s) Posted on Site 09/13/02
	Variance(s): Adjoining Property Owners 09/18/02

Staff Recommendation			Staff Reviewer: SRINIVAS, LAXMI
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

October 16, 2002

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: Detailed Site Plan SP-02038
Variance – VD-02038A
Chunbukyo Church of Maryland

The Urban Design staff has reviewed the Detailed Site Plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions.

EVALUATION

The Detailed Site Plan and Variance were reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the following sections of the Zoning Ordinance:
 - Section 27-427 regarding the R-E Zone (Residential Estate Zone)
 - Section 27-441 governing permitted uses in the R-E Zone
 - Section 27-568 regarding minimum parking requirements
 - Section 27-582 regarding minimum loading requirements
 - Section 27-230 regarding appeals and variances
- b. The requirements of the *Landscape Manual*
- c. Referrals

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

- 1. The subject site consists of approximately 1.82 acres and is located on the south side of Brown Station Road in Upper Marlboro. The adjacent properties are as follows:
 - Property to the south zoned R-E has a single-family residence

- Property to the east zoned R-E is vacant
- Property to the west zoned R-S has public utility structures

2. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	R-E	R-E
Use(s)	Single-family residence	Church
Acreage	1.82 acres	1.82 acres
Lots	N/A	N/A
Parcels	N/A	N/A
Square Footage/GFA	1,238	3,462 4,700 total

The subject site is currently developed with a single-family residence and a storage shed in the rear half of the property. The front portion of the property has a large lawn with landscaping along the property lines. The applicant is proposing a 3,462-square-foot church building in the front portion of the property. Parking is proposed on the rear of the new church building and in front of the existing house. The existing house will be used as a parsonage.

3. The proposed church is a permitted use in the R-E Zone and requires Detailed Site Plan approval since the church will be located on a lot between one and two acres in size. In addition to the requirements of Section 27-285(b), the following requirements shall be met:

- The minimum setback for all buildings shall be 25 feet from each lot line
- When possible, there should be no parking or loading spaces located in the front yard
- The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased

In accordance with the above requirements, the applicant has submitted a Detailed Site Plan for the proposed church. The proposal meets all of the above requirements regarding setbacks, parking and maximum building coverage.

The proposed church will have a glass, wood and synthetic stucco façade. It will be 21 feet-6 inches high with a tower structure that will be integrated with the main building design. The proposal will be consistent with all the requirements of the R-E Zone except the lot frontage requirements. Section 27-447(d) of the Zoning Regulations requires a minimum 150-foot-wide frontage for nonresidential uses in the R-E Zone. The subject property has a 148.5 feet of frontage. The applicant has applied for a variance from this requirement. The findings for granting a variance are addressed in Finding 15.

4. The proposal is subject to the requirements of Section 4.2 (Commercial and Industrial Landscape Strip Requirements), Section 4.7 (Buffering Incompatible Uses), and Section 4.3 (Perimeter and Interior Parking Lot Landscape Requirements) of the *Landscape Manual*. The proposal does not

comply with the requirements of Section 4.2 and Section 4.7 of the *Landscape Manual*. The applicant has filed an Alternative Compliance application (AC-02017). The Planning Director has recommended approval of the Alternative Compliance application.

The Alternative Compliance Memorandum states as follows:

“BACKGROUND:

“The subject property is a 1.82-acre lot located on Brown Station Road just north of Geaton Drive. It is zoned R-E and contains a single-family house that will be converted to a parsonage. The proposal is for a church with associated parking (30 spaces). The applicant seeks Alternative Compliance for Section 4.2, Commercial and Industrial Landscape Strip, along the northeastern property line where the site adjoins Brown Station Road.

“*Section 4.2 (Commercial Landscaped Strip) along north east property line*

“REQUIRED:

Linear feet of landscaped strip	116	feet
Width of landscape strip	10	feet
Shade trees required	4	
Shrubs required	34	

“PROVIDED:

Shade trees proposed:	5 (existing trees in road right-of-way)
Shrubs proposed:	34

“JUSTIFICATION OF RECOMMENDATION:

“Five existing shade trees located in the area of street dedication for Brown Station Road are proposed to meet the shade tree planting requirement. The Committee decided that these trees could not be counted toward fulfilling the requirements of Section 4.2 because their location in the street dedication does not ensure their long-term survival. However, this site is subject to an approved Tree Conservation Plan, which requires afforestation within the landscape strip. Some of the seedlings proposed for afforestation may be increased in size and placed within the landscape strip. Four 2½-inch caliper trees are equivalent to 20 seedlings. These larger caliper trees shall be planted within the required landscape strip and shown on the Landscaping and Lighting Plan. These shade trees, along with the adjacent afforestation area, will provide more than the required 10-foot width for a landscape strip. This will meet the planting requirements of the Tree Conservation Plan while also providing equivalent buffering to that required by the *Landscape Manual*. Given this, the Committee believes that this suggested approach would be equal to or better than the normal requirements of the *Landscape Manual*.

“RECOMMENDATION:

“The Planning Director recommends APPROVAL of alternative compliance, subject to the following condition:

“*Prior to Certificate Approval: The Landscape and Lighting Plan shall be revised to show the planting of four 2½-inch caliper shade trees in the north eastern portion of the property adjacent to Brown Station Road. The table for Section 4.2 of the Landscape Manual shall also be revised*

to show four shade trees, as being provided, and the request for Alternative Compliance shall be removed from the table.”

5. The proposed parking is consistent with the following requirements of Sections 27-568 and 27-582, Off-street Parking and Loading, of the Zoning Ordinance:

REQUIRED PARKING		PROPOSED PARKING
Church One per 4 seats for a total seating of 112 seats	28	28
Parsonage Two parking spaces	2	2
TOTAL	30	30

Referral Comments

6. The Department of Environmental Resources (De Guzman to Srinivas, July 29, 2002) has stated that the site plan is consistent with the approved Stormwater Management Concept approval #008003020.
7. The Environmental Planning Section (Markovich to Srinivas, August 6, 2002) has stated that the proposal is subject to the requirements of the Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on site.

The memorandum from the Environmental Planning Section states that:

“The Environmental Planning Section has reviewed the above-referenced Detailed Site Plan and the Type II Tree Conservation Plan as accepted by the Urban Design Section on July 12, 2002. The Environmental Planning Section recommends approval of DSP-02038 and VD-020387.

“BACKGROUND

“This site was previously reviewed by the Environmental Planning Section in conjunction with the approval of a Type II Tree Conservation Plan, TCPII/98/00, associated with a grading permit application. The plan submitted was for infrastructure including rough grading for the installation of sewer and stormwater management facilities.

“SITE DESCRIPTION

“This 1.85-acre site in the R-E Zone is located on the west side of Brown Station Road approximately 0.1 mile north of Geaton Drive. A review of the available information indicates that streams, wetlands, 100-year floodplain, and expanded buffers are not found to occur on the property. Transportation-related noise impacts have not been found to be an issue on this site. The soils found to occur according to the Prince George’s County Soil Survey include Shrewsbury silt loam and Westphalia fine sandy loam which have limitations with respect to subsurface water but would not affect the proposed development of this parcel. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-3 and W-3. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled Ecologically Significant Areas in Anne Arundel and Prince George’s Counties, December 1997, there are no

rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

“ENVIRONMENTAL REVIEW

- “1. A Detailed Forest Stand Delineation (FSD) was submitted and approved during the review of Type II Tree Conservation Plan, TCP/98/00.

“Discussion: No further information with respect to the Detailed Forest Stand Delineation is required with this application.

- “2. This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there is a prior Tree Conservation Plan approval for this site (TCP/98/00). TCP/98/00 was originally approved in conjunction with a proposed grading permit application. This 1.85-acre property has a 25 percent Woodland Conservation Threshold of 0.46 acre and no replacement requirements. The Woodland Conservation requirement is being satisfied by 0.36 acre of on-site afforestation. No changes to the approved Type II Tree Conservation Plan, TCP/98/00, are necessary because the TCP is consistent with the development of this site as proposed by the Detailed Site Plan, DSP-02038.

“Discussion: No further information with respect to the Type II Tree Conservation Plan is required.

3. The requested variance for lot width has been reviewed and will not result in any adverse environmental impacts. The variance to reduce the required lot width from 150 feet to 148.48 feet is supported by the Environmental Planning Section.

“Discussion: No further information with respect to the variance is required.”

8. The Washington Suburban Sanitary Commission (Thacker to Srinivas, August 6, 2002) has stated that there is existing on-site service.
9. The Subdivision Section (Del Balzo to Srinivas, October 7, 2002) has stated that the property is an acreage parcel created prior to January 1, 1982, with a proposed 4,732 square feet of total development. The proposal is exempt from Preliminary Plan requirements pursuant to Section 24-107 (c) of the Subdivision Regulations.
10. The Community Planning Division (Irminger to Srinivas, August 16, 2002) has stated that the proposal is consistent with the land uses recommended by the Master Plan. The section has recommended adequate buffering of the adjacent properties.
11. The Department of Public Works and Transportation (Hijazi to Srinivas, August 15, 2002) has stated that all improvements within the public rights-of-way must be according to DPW&T requirements.
12. The Transportation Planning Section (Masog to Srinivas, August 29, 2002) has stated that the site plan is acceptable.

13. A referral was sent to the Town of Upper Marlboro. No comments have been received as of this date.
14. With the proposed conditions, the Detailed Site Plan, SP-02038, is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

Variance

15. Section 27-447(d) of the Zoning Ordinance requires a minimum 150 feet of frontage for non-residential uses in the R-E Zone. The subject property has a 148.5 feet of frontage.

Section 27-230 of the Zoning Ordinance requires the Planning Board to make the following findings prior to approving an application for a variance:

- (1) *A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;*

The frontage of the subject lot is only 1.5 feet less than the minimum required frontage of 150 feet. However, the subject lot has a depth of approximately 479 feet, which is almost twice the normal depth of lots with a minimum width of 150 feet. Due to the unusually large depth of the lot, the proposed parking can be accommodated on the rear of the lot. The proposed church will be set back more than 60 feet from the front property line. Therefore, even though the lot width is slightly less than the minimum required width, the total area of the lot is more than adequate for the proposed use. The granting of a variance is justified due to the unique site conditions.

- (2) *The strict application of this Subtitle will result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon the owner of the property; and*

Although the width of the subject lot is slightly less than the minimum required width of 150 feet, the area of the lot is sufficient to accommodate the proposed use. The strict application of this subtitle will not allow the applicant to use this property for the church. The proposal meets all other requirements of the R-E Zone. The proposed church will be set back more than 60 feet from the front property line. Therefore, the granting of the variance is justified, and the strict application of this subtitle would result in peculiar or unusual difficulties to, or exceptional or undue hardship upon, the owner of the property.

- (3) *The Variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.*

The proposed use is consistent with the land uses recommended in the Master Plan and the surrounding land uses. The area of the subject site will be adequate to accommodate the church use. Therefore, the granting of the variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.

The Planning Board finds that the approval of the variance application, VD-02038A, is justified based on the fulfillment of the criteria mentioned above.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan SP-02038, VD-02038A and AC-02017 subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the site and landscape plans shall be revised to show the planting of four 2½-inch caliper shade trees in the northeastern portion of the property adjacent to Brown Station Road. The table for Section 4.2 of the *Landscape Manual* shall also be revised to show four shade trees as being provided and the request for Alternative Compliance shall be removed from the table.